

**SHOREVIEW CITY COUNCIL WORKSHOP MEETING  
MINUTES  
July 11, 2011**

**Attendees:**

City Council: Mayor Martin; Councilmembers Huffman, Quigley, and Wickstrom

Councilmember Withhart was absent.

Staff: Terry Schwerm, City Manager  
Mark Maloney, Public Works Director  
Kathleen Nordine, City Planner

Planning Commission: Larry Feldsien  
Deborah Ferrington  
Rick Mons  
Curt Proud  
Steve Solomonson

Public Residents In Attendance: Joan Bettinger, Bob Kjolden, Tim Kulas, Mark Lobermeier, Beth Nelson, Beverly Proud, Bob Rink, Marlene Rink, Deb Schultheis, Henry Snyder, Jim Sogla, Richard Sonterre, Martha Swanson, Paul Van Lith.

Mayor Martin called the meeting to order at 7:38 p.m., following the Special Council meeting.

**JOINT MEETING WITH PLANNING COMMISSION TO DISCUSS PROPOSED DYNAMIC BILLBOARD ORDINANCE AMENDMENTS**

City Planner Kathleen Nordine stated that the City has been approached to allow dynamic billboards. Currently, the ordinance only allows static billboards. A proposed ordinance amendment to allow dynamic billboards was discussed by the Planning Commission at the June meeting. Concerns were expressed about proliferation of billboards along interstates, spacing, brightness, impact on safety, and the impact of being viewed by residential neighbors. Staff has developed a text amendment to address those concerns.

Commissioner Mons stated that historically he has been opposed to these types of signs, but staff's amendment has met his concerns. The only issue is that there will be a push to have more signs along I-35W if the stadium is built on the TCAAP property. It might be better to address that issue before the stadium is built. City Manager Schwerm responded that the public land along I-35W has deed restrictions regarding the type of development that can occur. In staff's perspective, land along I-35W would not be suitable for dynamic billboards.

Commissioner Mons responded that there is no assurance that the covenants will remain in place. He would prefer the City to adopt a position.

Commissioner Proud noted that covenants in Minnesota have a life of 45 or 48 years.

Planning Commission Chair Feldsien stated that he agrees with the staff report. He noted that under Section 208.040, the number of messages allowed in one month could be reached in one day. He would like to see the number of public service messages increased. Ms. Nordine stated that the number is a result of discussions with Clear Channel and what other communities allow. She suggested not specifying the number in the ordinance but making that stipulation as a detail of any agreement.

Chair Feldsien stated that other concerns are the visibility in residential areas and sign setbacks from intersections and merge ramps. A setback of 300 feet only allows about four seconds to look at the sign. The distance should be increased.

Mayor Martin suggested finding out if there are industry standards regarding distance.

Commissioner Ferrington stated that with additional locations, there will be more opportunity for visual display. She asked the possibility of having two-sided signs and if any studies have shown that it is safe to have dynamic signs on the left side of the road.

Mayor Martin stated that the City will control where the signs are placed. Ms. Nordine added that the setback and spacing requirements are geared to keeping the sign visible on public land.

Commissioner Proud suggested that if approved, such signs be approved for a specified number of years. He does not want to see any scrolling. If a sign malfunctions, it becomes distracting. There should also be content control so as not to offend residents. He is pleased to see that Clear Channel has a formula for brightness, but the City needs to know how that brightness is measured.

Commissioner Solomonson stated that his concerns center on safety and visibility from Grass Lake and residential properties. He would like to see the 500-foot setback from residential properties increased. The sign closest to Lexington should be moved further east but not so that it is seen by the lake. A site by the towers where it is screened would be good. He would prefer one double sign, rather than allowing multiple single signs.

**Mr. Richard Sonterre**, Clear Channel, stated that for public announcements there is a standardized page. The proposed amendment would allow public service 8-second spots that would run 24 hours a day.

Mayor Martin asked about industry standards in regard to a 300-foot setback for signs by a merging entrance. **Mr. Sonterre** stated that he has not read anything on that requirement but would provide examples of 300-foot signs in other cities. Further, he

stated that Clear Channel has 1500 advertising signs and 90 percent of them are two-sided. There is nothing in state or federal regulations that identify cross-road signs as a concern.

**Mr. Sonterre** stated that content is restricted to be family friendly. Typically, cities do not allow advertising of tobacco products; hard liquor and wine; and political content. The situation in Shoreview is unique in that billboards are only allowed on City property. In regard to malfunctioning, all signs are monitored by satellite video. There is a full-time manager who monitors the signs. The provider of the sign and key City personnel can shut the sign down immediately, from home if necessary.

Councilmember Quigley stated that the first benefit would be revenue from leasing billboards. There would also be value in the event a new business wants exposure. He requested that physical specifications be specifically defined.

Commissioner Proud asked if the sign content is hard wired or wireless and if there is any chance of hacking into the sign. **Mr. Sonterre** responded that the sign is programmed from Minneapolis through the telephone. The foot candle is the accepted standard measure.

Councilmember Wickstrom asked if light brightness can be changed or adjusted and whether the length of time of the sign message of 8 seconds is too fast. **Mr. Sonterre** stated that when the billboard is installed, brightness is monitored and manual adjustments are made over a period of several days. Eight second messages is the industry standard across the country.

Councilmember Wickstrom asked if billboards could block building signage of businesses. Mr. Schwerm stated that billboard heights will be higher and not block out building signage. **Mr. Sonterre** added that the land owned by Clear Channel is surrounded by railroad property, and they have abandoned having any sign on railroad property or at Cardigan Junction.

Commissioner Proud asked if Clear Channel can provide weather information. **Mr. Sonterre** stated that Clear Channel works with Mn/DOT, FBI and BCA. They have provided weather-related information in the past. Seventeen minutes after the collapse of the I-35W bridge, their signs had information posted.

Mr. Schwerm stated that this topic is on the agenda for the Planning Commission at its upcoming meeting. This discussion is occurring parallel with the proposal coming from Stonehenge.

The consensus of the Council supported staff's recommendations but also agreed with statements from the Planning Commissioners.

**UPDATE ON TURTLE LAKE AUGMENTATION STUDY**

A scoping study report regarding augmentation of Turtle Lake has been received from SEH. Previously, the City authorized the study and split the cost with the Turtle Lake Homeowners Association to get more information regarding the potential of Turtle Lake needing augmentation.

Public Works Director Maloney clarified that the scoping study is not a feasibility study for a public improvement project. The purpose of the scoping study is to answer questions and reach consensus with the Homeowners Association regarding Turtle Lake augmentation. The scoping study is not conclusive. The Homeowners Association has not resurveyed its membership regarding support of an augmentation proposal and has taken no official position. The lake does respond to rainfall events. The scoping study looked mostly at the St. Paul Regional Water System as a viable source of water should the proposal move forward. Its conduits parallel County Road I on the north side of Turtle Lake. Implementation of an augmentation system would include a skid mounted screen system, which was initially designed for zebra mussels. It would be the same screen design used at Snail Lake. The total cost for augmentation with a screen, pump and other miscellaneous expenses is estimated to be in the range of \$1 million. Any system backup would need to go through the conduits, not into Turtle Lake. Charley Lake is directly east of Turtle Lake in North Oaks and is the discharge point for two of the conduits operated by the St. Paul Water Service to carry water from the Mississippi River to a series of lakes upstream from the St. Paul Water Treatment Plant. The high level of phosphorous in Charley Lake makes it an unlikely source of water.

Also under consideration is establishing a Lake Improvement District, which can be established with or without an augmentation program. The purpose of a Lake Improvement District would be to control invasive species and water quality. Rice Lake Watershed District has Turtle Lake models that can be used. To begin the process, the next steps would be simulation of those models. The DNR is the lead permit agency. No funds have been identified to establish a Lake Improvement District.

Referring to page 4 of the memo, Councilmember Wickstrom noted that a lot of phosphorous would be added to Turtle Lake if augmentation is done. Water from the Mississippi would be detrimental to Turtle Lake. Mr. Schwerm stated that a miniscule amount of water would be added compared to the current volume of water on the lake. Strong consensus from the Association would be needed before going forward.

**Ms. Deb Schultheis**, Member, Turtle Lake Homeowners Association, stated that support for augmentation could drop if river water is brought in that would impact water quality.

**Ms. Beth Nelson**, Turtle Lake Homeowners Association, requested more information on how to obtain required agency permits, if the project moves forward. The agencies that have a say in the process, such as Rice Creek Watershed District and the Minnesota Pollution Control Agency, need to be known before a new survey of members is taken. She would like to know the cost-share amount and whether the City is willing to make a contribution on this project. She needs to know what cost-share options exist. State statute requires 50% plus one to request a Lake Improvement District. Can the City require a super majority, when state statute requires 50% plus one?

Mayor Martin stated that if a Lake Improvement District is formed, that would be one mechanism for cost-share. She cannot imagine assessing homes without 80% to 83% support. Mr. Schwerm added that the City cannot create a Lake Improvement District. A vote of homeowners is required. **Ms. Nelson** stated that establishing a Lake Improvement District just to deal with invasive species would not be worth the effort. It would take 50% plus one to present a petition to the City to hold a vote, and according to state statute, the vote must be held in July or August.

There is no consensus on whether to form a Lake Improvement District. Ms. Nelson asked if there would be any obstacles to getting the required permits before surveying homeowners. There is also a big concern with using water directly from the aquaducts and whether the screening system would be effective. The screening system on Snail Lake has gone through Lake Charley and has been filtered through other lakes. She also inquired if there is a cost-sharing for this project that other agencies would consider. Mr. Maloney stated that many factors influence the size of screen.

Councilmember Huffman stated that he does not want the Council to be involved in a neighborhood issue. If support is 50/50, the decision is less science and more political.

Mayor Martin stated that the difference between Turtle Lake and Snail Lake is the fact that without augmentation, Snail Lake would dry up and turn into a marsh. That is why the City got involved. It is not known whether that would happen to Turtle Lake. Documentation indicates it recovers with rainfall but takes longer due to the small watershed.

Mr. Schwerm stated that staff will find out information on the question of permits and cost-share options with a Lake Improvement District and augmentation. He does not believe the DNR will contribute to the project in this budget environment. The County staff have indicated that they do not support a cost-share contribution. **Ms. Nelson** responded that the cost to residents to deal with invasive species is a result of use of the DNR public landing on Turtle Lake. Residents are not the only people using the lake.

Mr. Schwerm stated that there is nothing to mandate the City undertaking a public improvement project. The Council has indicated that they would need to see a significant

percentage of support from Turtle Lake homeowners before a City improvement project can be assessed. If homeowners vote to create a Lake Improvement District, it is not necessary that the City or County be involved in the overall management and operation of the District. The primary reason for the City to be involved is assessment ability for a public improvement project.

Mr. Maloney agreed that the City would not be involved in a Lake Improvement District to address invasive species, unless there is a public improvement project. Final approval from the DNR is needed to form a Lake Improvement District. To meet permitting requirements, a technological approach is needed to deal with water quality and/or screening.

Councilmember Wickstrom stated that for the City to participate, she would want to see a super majority of support. Formation of a Lake Improvement District does not mean there would be augmentation. The City's involvement would only be if there is a public improvement project for augmentation.

**Ms. Nelson** stated that the scoping report will be sent to residents.

#### **UPDATE ON GRASS LAKE WATER MANAGEMENT ORGANIZATION FUNDING ALTERNATIVES**

Mr. Maloney reported that the Surface Water Utility fund would be used to generate the \$150,000 funding as an appropriate level for GLWMO. This is half of the \$300,000 proposed. The \$300,000 funding is to be divided between Roseville and Shoreview. The utility fee would be kept to properties within the GLWMO district. Councilmembers expressed strong support that residents in the Rice Creek Watershed District not be charged surface water fees for GLWMO. Such a fee would be a lower dollar impact to homeowners rather than GLWMO being part of a watershed district. Watershed districts have taxing authority.

Mr. Schwerm added that the City would have more control as a WMO because watershed districts operate completely independently and because the City has authority to appoint Board members to a Water Management Organization. The Board of Water and Soil Resources (BWSR) is in the process of reviewing the GLWMO plan. If there is not enough implementation involved in the plan, BWSR could determine that GLWMO is not doing its job and not adopt the plan. The plan anticipates a funding level of \$300,000 is needed on an ongoing basis to meet the standards of an effective independent water management organization.

**OTHER ITEMS**

**Human Rights Commission**

Mr. Schwerm stated that the Roseville Human Rights Commission has invited the Shoreview Human Rights Commission to co-sponsor a public forum/cultural dialogue in the fall on issues regarding civil rights for gays and lesbians. The forum is based on a project recommended by the League of Minnesota Human Rights.

It was the consensus of the Council for the Shoreview Human Rights Commission to participate in the proposed forum.

The meeting adjourned at 10:00 p.m.